IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4419 OF 2005

Radhabai Kisan Mohite. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri Shekhar Ingawale i/by Mrs.Revati P.Mohite-Dere for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 22nd July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. Offence has been registered against the Applicant and co-accused under sections 307, 504, 506, and 34 of the Indian Penal Code. The first informant has been convicted for committing murder of the father-in-law of the Applicant. The present incident has occurred when the first informant was on parol leave. The allegation against the Applicant is that she assaulted the first informant on head by using a stone. The case of the Applicant is that she is 28 years old house-wife and she has two daughters having the age of 9 years and 7 years and a 3 year old son. Copies of certificates to that effect are annexed to the application.

3. After having heard the Advocate for the Applicant and learned A.P.P., I find that a case is made out for enlarging the Applicant on bail. The learned A.P.P.

was directed on the last date to verify whether the Applicant has two daughters as mentioned in the certificate annexed to the Application. The learned A.P.P. on instructions of the Investigating Officer states that the certificate is true and correct. It is true that the investigation is not yet complete. A perusal of the injury certificate of the first informant shows that there is one C.L.W. on temporal region. The said injury is described as a simple injury in the medical certificate. It is to be borne in mind that the first informant is already convicted for committing murder of the father-in-law of the Applicant. The Applicant has two small school going daughters and one minor son. The certificate issued by the Medical Officer of Primary Health Centre which is annexed to the Application shows that her son is born on 18th February 2001. The Applicant is in custody from 11th June 2005. Considering these peculiar features of the case of the Applicant who is a woman, she is entitled to be enlarged on bail.

4. Accordingly, the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.113 of 2005 of Chakan Police Station, subject to furnishing a personal bond of Rs.10,000/- with one or two sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicant will attend the concerned Police Station on every Sunday from 4.00 p.m. to 7.00 p.m. till the filing of the charge sheet.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.